

CERTIFICATE OF ELECTRONIC  
TRANSMISSION

I hereby certify that this correspondence for Application No. 10/685,768 is being electronically transmitted to Technology Center 3733, via EFS-WEB, on November 6, 2006.

/David H. Brinkman/ 11/6/06  
David H. Brinkman, Reg. No. 40,532 Date

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John F. Otte et al.  
Serial No.: 10/685,768  
Filed: October 14, 2003  
Group Art Unit: 3733  
Confirmation No.: 6334  
Examiner: Woodall, Nicholas W.  
Title: INSTRUMENTS FOR USE WITH IMPLANTS, AND METHODS  
Atty. Docket No.: ZMS-MI17US

Cincinnati, OH

November 6, 2006

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT  
UNDER 35 U.S.C. § 121

In response to the Restriction Requirement mailed on October 5, 2006, Applicants hereby provisionally elect the claims of Group III, namely claims 51-59, for prosecution on the merits, with traverse, and without prejudice to filing a separate divisional application directed to non-elected claims.

Applicants do not believe that this response requires that any fees be submitted, however, if any fees are deemed necessary, these may be charged to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By David H. Brinkman

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